REMARKS

The present invention is an electronic radiotelephone. An embodiment of the invention includes a first housing 2 and a second housing 5 for housing the electronic components 11 of the radiotelephone. A biasing mechanism, which may be a spring 37, aids a user to release the second housing from the first housing. The first housing has an element, which may be a release button 26 with an operating surface 30, and a formation which cooperates with a complementary formation on the second housing for the user to releasably attach the first housing to the second housing. The element 26 is movable between a first and a second position such that when the element is in the first position, the formation and the complementary formation cooperate to allow the first housing to be coupled to the second housing and when in the second position, to allow the second housing to be removed from the first housing by the user. The element is resiliently compression biased by the biasing mechanism into the first position and allows a user to urge the element, via the operating surface, into the second position during the removal of the second housing from the first housing to act against the compression bias provided by the biasing mechanism and to release the cooperation of the formation and complementary formation thereby allowing the second housing to be removed from the first housing by the user without interference from the element. Page 6, lines 11-25, describe compression of the leaf spring when the covers are attached and further, the spring bias causing the cover 2 to be urged away from the cover 5.

Claims 1-4, 6-9, 12-15 and 17-20 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,347,218 (Fuhrman et al). This ground of rejection is traversed for the following reasons.

Claim 1 recites:

> An electronic radiotelephone comprising a first and a second housing for housing electronic components of the radiotelephone and a biasing mechanism to aid a user to release the second housing from the first housing; the first housing having an element with an operating surface and a formation which co-operates with a complementary formation on the second housing for the user to releasably attach the first housing to the second housing; the element being movable between a first and a second position such that when the element is in the first position the formation and complementary formation co-operate to allow the first housing to be coupled to the second housing and when in the second position to allow the second housing to be removed from the first housing by the user; the element being resiliently compression biased by the biasing mechanism into the first position and allows a user to urge the element, via the operating surface, into the second position during the removal of the second housing from the first housing to act against the compression bias provided by the biasing mechanism and to release the co-operation of the formation and complementary formation, thereby allowing the second housing to be removed from the first housing by the user without interference from the element, and <u>means for urging the second housing away from the first housing to aid the removal of the second housing from the first housing</u>.

Contrary to the Examiner's assertion, the subject matter of claim 7, which has been combined into claim 1, is not anticipated by Fuhrmann et al. Fuhrmann et al, while disclosing an arrangement of an attachment means 11, which is comprised of a catch projection 12 or 12' as illustrated in Figs. 1, 3 and 4 and an externally accessible activation element 13, as illustrated in Figs. 1 and 2.

The function of the attachment means of Fuhrmann et al is described as a "press-on/catch" in column 3, lines 15-28. The function of the press-on/catch does not anticipate the claimed "means for urging the second housing away from the first housing to aid removal of the second housing from the first housing. It is noted that the Examiner has not even discussed the subject matter of claim 7 in the anticipation rejection. It is submitted that the anticipation rejection is erroneous for the foregoing reasons.

With respect to claims 8-9 and 19-20, the Examiner has cited column 3, lines 20-27, of Fuhrmann et al. This subject matter is also not anticipated by Fuhrmann et al. Claim 8 recites, "wherein the means for urging comprises a spring associated with the first housing which is compressed when the first and second housings are coupled" and claim 9 recites, "wherein the means for urging comprises a spring associated with the second housing which is compressed when the first and second housings are coupled" which is not anticipated by Fuhrmann et al since there is no means for urging the second housing away from the first housing to aid removal of the second housing from the first housing as recited in claim 1. A catch is different than the claimed means for urging.

Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of Fuhrmann et al to replace a catch with a structure which biases the second housing away from the first housing to arrive at the subject matter of claims 1, 8-9, and 19-20.

Claim 6 further limits claims 1-5 in reciting, "wherein the first housing comprises retaining means for retaining the electronic components of the radio telephone to the second housing." This subject matter is patentable for the same reasons set forth above with respect to claim 1.

Claims 12-15, 17 and 19-20 further limit claims 1-4, 6 and 8-9 in reciting the radio telephone comprises an interior volume disposed between the first and second housings which houses electronic components of the radio telephones. These claims are patentable for the reasons set forth above with respect to claim 1.

Claims 5 and 6 stand rejected under 35 U.S.C. §103 as being unpatentable over Fuhrmann et al in view of United States Patent 6,430,400 (MacDonald, Jr.

et al). This ground of rejection on the record is unclear since the rejection in Section 7 identifies MacDonald, Jr. whereas the discussion refers to Weadon et al which is United States Patent 6,226,501. However, there is no element 18 depicted in either Fig. 1 of MacDonald, Jr. et al or Weadon et al. Accordingly, the record is unclear as to what the Examiner's grounds of rejection are.

However, while reserving the right to traverse whatever rejection the Examiner intended to make, nevertheless it is noted that the citation of either MacDonald, Jr. et al or Weadon et al does not cure the deficiencies noted above with respect to claim 1.

Claims 10-11 and 21-22 stand rejected under 35 U.S.C. §103 as being unpatentable over Fuhrmann et al in view of United States Patent 4,719,322 (Guzik et al). Claims 10 and 11 further limit the subject matter of claim 1 in reciting that the means for urging comprises a rubber seal associated with the first housing which is compressed when the first and second housings are coupled and wherein the means for urging comprises a rubber seal associated with the second housing and which is compressed when the first and second housings are coupled. This ground of rejection is traversed for the following reasons.

The Examiner refers to column 1, lines 27-29, of Guzek et al which teach, "[t]he outer housings can be made waterproof by the use of a rubber 'O' ring seal between the keypad module and the outer housing". While a ring seal is disclosed, it is submitted that such a ring seal does not cure the deficiencies noted above with respect to Fuhrmann et al and specifically does not disclose the claimed "means for urging the second housing away from the first housing to aid removal of the second housing from the first housing. It should be noted that the disclosure of Guzik et al

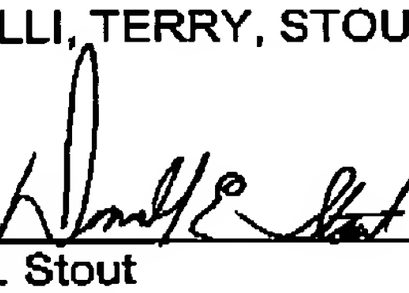
upon which the Examiner relies to the extent that it supplies any bias at all would supply it between the keypad module and the outer housing which does not respond to the claimed function of urging the second housing away from the first housing to aid removal of the second housing from the first housing. Accordingly, it is submitted that the subject matter of claims 10 and 11 and 12-22 is not obvious over Fuhrmann et al in view of Guzik et al.

In view of the foregoing amendments and remarks, it is submitted that the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (367.40103X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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